

PATENT COOPERATION TREATY

MHD
7/22/05

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
GRANT H. PETERS
BARNES & THORNBURG
PO BOX 2786
CHICAGO, IL 60690-2786

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year)

19 JUL 2005

Applicant's or agent's file reference

27726-95275

IMPORTANT NOTIFICATION

International application No.

PCT/US03/39709

International filing date (day/month/year)

12 December 2003 (12.12.2003)

Priority date (day/month/year)

12 December 2002 (12.12.2003)

Applicant

BUNN-O-MATIC CORPORATION

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

Heather Herndon

Telephone No. (703) 305-3800

Form PCT/IPEA/416 (January 2004)

RECEIVED

JUL 22 2005

BARNES & THORNBURG

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 27726-95275	FOR FURTHER ACTION		See Form PCT/IPEA/416																								
International application No. PCT/US03/39709	International filing date (<i>day/month/year</i>) 12 December 2003 (12.12.2003)	Priority date (<i>day/month/year</i>) 12 December 2002 (12.12.2002)																									
International Patent Classification (IPC) or national classification and IPC IPC(7): G09G 5/00 and US Cl.: 715/771																											
Applicant BUNN-O-MATIC CORPORATION																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u> </u> sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) <u> </u>, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																									
<input type="checkbox"/>	Box No. II	Priority																									
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																									
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																									
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<input type="checkbox"/>	Box No. VI	Certain documents cited																									
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																									
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																									
Date of submission of the demand 12 July 2004 (12.07.2004)		Date of completion of this report 31 May 2005 (31.05.2005)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer Heather Herndon Telephone No. (703) 305-3800																									

Form PCT/IPEA/409 (cover sheet)(January 2004)

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☒ the description:

pages 1-9 as originally filed/furnished

pages* NONE received by this Authority on _____

pages* NONE received by this Authority on _____

☒ the claims:

pages 10-14 as originally filed/furnished

pages* NONE as amended (together with any statement) under Article 19

pages* NONE received by this Authority on _____

pages* NONE received by this Authority on _____

☒ the drawings:

pages 1-22 as originally filed/furnished

pages* NONE received by this Authority on _____

pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☒ the description, pages NONE

☒ the claims, Nos. NONE

☒ the drawings, sheets/figs NONE

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.
PCT/US03/39709

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-30</u>	NO
Industrial Applicability (IA)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Claims 1-30 lack an inventive step under PCT Article 33(3) as being obvious over Holbrook et al.

As for claims 1, 8, 28: Holbrook et al teach a computer implemented method and corresponding system, program code means for planning an arrangement of furniture on a surface, comprising the steps/means for:

Providing an interface having a graphical representation of a surface (0036, 0043, fig. 8),

Providing on the interface a graphical representation of at least one piece of furniture (0039-0040),

Iteratively allowing a user to select a piece of furniture and place a graphical representation of the selected furniture onto the surface (0040, 0043). It is noted that Holbrook et al teach the arranging of furniture but not beverage equipment. However the different appears to be an obvious field of use. It would have been obvious to one of skill in the art at the time of the invention was made, to apply Holbrook teaching to the arranging of beverage equipment for the advantage of having computer simulated arrangement.

As for claim 2: A work surface (space) can be selected and defined by the user (0040). Calculation of open space is inherently included in Holbrook's teaching of space analysis and feedback (0025, 0036, 0043).

As for claim 3: Calculating space area of an object by multiplication of its sides is well known in the art. The implementation would have been obvious in light of Holbrook's teaching of surface analysis and planning.

As for claims 4, 5: Feedback and tip are provided to prevent user from improperly placing furniture (0025, 0026, 0036).

As for claims 6, 7: Selected furniture icon can be moved around in the work space (0043).

As for claims 9, 22, 29: Holbrook et al teach a computer implemented method and corresponding system, program code means for planning an arrangement of furniture on a surface, comprising the steps/means for:

Providing an interface having a graphical representation of a surface (0036, 0043, fig. 8),

Providing on the interface a graphical representation of at least one piece of furniture (0039-0040),

Iteratively allowing a user to select a piece of furniture and place a graphical representation of the selected furniture onto the surface (0040, 0043). It is noted that Holbrook et al teach the arranging of furniture but not beverage equipment. However the different appears to be an obvious field of use. It would have been obvious to one of skill in the art at the time of the invention was made, to apply Holbrook teaching to the arranging of beverage equipment for the advantage of having computer simulated arrangement. Total cost is calculated and reported to user (0025). Holbrook et al fail to teach the calculation of projected income value. However, calculation of projected income value is well known in business application. In light of the applying Holbrook's teaching to the investment of beverage equipment set forth above, it would have been obvious and desirable to implement the calculation the projected income value for the investment.

As for claims 10, 11, 12: Cost value is calculated automatically by the system based on parts selected by the user (0025). Holbrook et al fail to teach that the cost can be entered and edit by the user, however such implementation would have been obvious to one of skill in the art to provide user control and editing of data entry.

Supplemental Box

As for claims 13, 14, 16, 17: Calculating of profit based on the location of the business, sale volume and adjusted sale volume is well known in business application.

As for claim 15: Calculation of pay-off time is well known in business investment.

As for claims 18, 19: A report of equipment description and configuration can be printed out to the user (0025, 0049; see page 17-18: Print report).

As for claims 20, 21: Adding a peak-time profit value to the report specification sheet would have been obvious for investment purpose.

As for claims 23, 24, 25, 30: Holbrook et al teach a computer implemented method and corresponding system, program code means for planning an arrangement of furniture on a surface, comprising the steps/means for:

Providing an interface having a graphical representation of a surface (0036, 0043, fig. 8),

Providing on the interface a graphical representation of at least one piece of furniture (0039-0040),

Iteratively allowing a user to select a piece of furniture and place a graphical representation of the selected furniture onto the surface (0040, 0043). It is noted that Holbrook et al teach the arranging of furniture but not beverage equipment. However the different appears to be an obvious field of use. It would have been obvious to one of skill in the art at the time of the invention was made, to apply Holbrook teaching to the arranging of beverage equipment for the advantage of having computer simulated arrangement. Total cost is calculated and reported to user (0025). Holbrook et al fail to teach the calculation of projected income value. However, calculation of projected income value is well known in business application. In light of the applying Holbrook's teaching to the investment of beverage equipment set forth above, it would have been obvious and desirable to implement the calculation and reporting the projected income value for the investment. The furniture (or equipment, in light of the combining set forth above) can be purchased from a Website on Internet (0031, 0044).

As for claim 26: The order is generated electronically (0031, 0044).

As for claim 27: Status inquires by Email is well known in computer art. The implementation would have been for the obvious advantages of computer technology.

NEW CITATIONS

US 2003/0172003 A (Holbrook et al) 11 September 2003. See par. 0025-0026, 0036-0037, 0039-0040, 0043